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Attorneys for Plaintiffs Center for Biological Diversity and Desert Survivors

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

CENTER FOR BIOLOGICAL DIVERSITY ) Case No. CV 08-03176 -SI  
 and DESERT SURVIVORS, )

Plaintiffs, )

vs. )

U.S. BUREAU OF LAND MANAGEMENT, )  
 DIRK KEMPTHORNE, Secretary of the )  
 Interior, DEPARTMENT OF THE ARMY, )  
 and Brigadier General Dana J.H. Pittard in his )  
 official capacity as the Commanding General )  
 for the Department of the Army's National )  
 Training Center and Fort Irwin. )

Defendants. )

**PROOF OF SERVICE OF SUMMONS  
 AND COMPLAINT AND OTHER  
 DOCUMENTS**

1 A copy of the executed Summons addressed to all Defendants is attached hereto as  
2 Exhibit A, and a copy of the Complaint in this matter were served pursuant to Rule 4(i) of the  
3 Federal Rules of Civil Procedure, by sending a copy of the Summons and Complaint via  
4 registered mail, return receipt requested, on July 3, 2008, to the following:

5 U.S. Bureau of Land Management  
6 1849 C Street NW,  
7 Washington, DC 20240

8 Dirk Kempthorne, Secretary of the Interior  
9 U.S. Department of the Interior  
10 1849 C Street N.W.  
11 Washington, D.C. 20240

12 Brigadier General Dana J.H. Pittard  
13 Commanding General  
14 National Training Center and Fort Irwin  
15 Fort Irwin, California 92310-5000

16 Chief, Litigation Division  
17 Department of the Army  
18 USALSA  
19 901 North Stuart Street  
20 Arlington, VA 22203-1837

21 U. S. Attorney General Michael B. Mukasey  
22 U.S. Department of Justice  
23 950 Pennsylvania Avenue, NW  
24 Washington, DC 20530-0001

25 Civil Process Clerk  
26 United States Attorney's Office  
27 450 Golden Gate Ave. 11th Floor  
28 San Francisco, CA 94102

The documents were received on July 7, 2008, July 7, 2008, July 10, 2008, July 8, 2008,  
July 7, 2008, and July 7, 2008, respectively. Along with the Summons and Complaint in this  
matter, copies of the following documents were served on each of the Defendants, the U.S.  
Attorney, and the Civil Process Clerk as listed above:

1. Civil Cover Sheet filed July 2, 2008;

2. Certification of Interested Entities or Persons filed July 2, 2008;
3. Application for Admission of Attorney Pro Hac Vice;
4. Proposed Order Granting Application for Admission of Attorney Pro Hac Vice;
5. Order Setting Initial Case Management Conference and ADR Deadlines (w/ attached Case Management Conference Order and Standing Order);
6. Notice of Availability of Magistrate Judge to Exercise Jurisdiction;
7. Consenting to a Magistrate Judge's Jurisdiction in the Northern District of California Handout;
8. ECF Registration Information Handout;
9. Welcome to the U.S. District Court Handout;
10. Dispute Resolution Procedures in the Northern District of California Handout.

DATED: July 24, 2008

Lisa T. Belenky  
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Attorneys for Plaintiffs Center for Biological  
Diversity and Desert Survivors

# **EXHIBIT A**

**COPY**

Clear Form

AO 440 (Rev. 03/08) Civil Summons (and 6/08)

**UNITED STATES DISTRICT COURT**

for the

**NORTHERN DISTRICT OF CALIFORNIA****E-filing****SI****CENTER FOR BIOLOGICAL DIVERSITY and  
DESERT SURVIVORS**

Plaintiff

v.

**U.S. BUREAU OF LAND MGT., DIRK  
KEMPTHORNE, Sec. of Int., DEPT. OF ARMY,  
BRIG. GEN. DANA J.H. PITTARD**

Defendant

**CV 08****3176**

Civil Action No.

**Summons in a Civil Action**

To: U.S. BUREAU OF LAND MGT, DIRK KEMPTHORNE, Sec. of Int., DEPT. OF ARMY, BRIG. GEN  
**DANA J. H. PITTARD**  
(Defendant's name)

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Lisa T. Belenky  
Center for Biological Diversity  
351 California St., Suite 600  
San Francisco, CA 94104

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: \_\_\_\_\_

**FILED - 2 2008**

Richard W. Wieking

Name of clerk of court

**ANNA SPRINKLES**

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

## Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on July 3, 2008.

by:

Pursuant to FRCP 4(c)

(1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_ who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is \_\_\_\_\_; or

(4) returning the summons unexecuted to the court clerk on \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

Date:

July 3, 2008

Lisa T. Belenky

Server's signature

Lisa T. Belenky, Senior Attorney

Printed name and title

Center for Biological Diversity  
357 California Street, Suite 600  
San Francisco, CA 94104

Server's address